

REMARKS

Claims 1-20 are pending in this application, claims 5-20 being withdrawn from consideration. By this Amendment, claim 1 is amended. Support for amended claim 1, can be found in the specification, for example, in Figs. 4a and 4b and the corresponding description of the specification. Accordingly, no new matter is added. In view of at least the following remarks, reconsideration and allowance are respectfully requested.

Applicant appreciates the courtesies shown to Applicant's representative by Examiner Merkling in the July 31, 2007 personal interview. Applicant's separate record of the substance of the interview is incorporated into the following remarks.

I. Confirmation of Election of Species Requirement

Applicant confirms that in response to the April 2, 2007 Telephone Election of Species Requirement, Applicant provisionally elected Species I, Figures 4a and 4b, with traverse. Applicant submitted that claims 1-4 read on elected Species I and no claim is generic.

It is also respectfully submitted that the subject matter of all species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office. Thus, withdrawal of the Election of Species Requirement is respectfully requested.

II. Rejection of Claims Under 35 U.S.C. §102(b)

A. Rejection over Vance

Claim 1 is rejected under 35 U.S.C. §102(b) over Vance et al. (U.S. Patent Application Publication No. 2002/0178707). This rejection is respectfully traversed.

Vance does not disclose a catalyst-carried filter including "an oxidation catalyst which is carried on surfaces of the partition walls and inner walls of the pores existing in the partition walls," and "wherein a surface of the at least one fine coating layer does not carry the oxidation catalyst thereon," as recited in independent claim 1 (emphasis added).

Vance merely discloses the formation of a discriminating layer 12 on the outlet side 11 of the filter. See Vance, for example, paragraph [0034]. However, Vance is silent as to the exclusion of a catalyst formed on the discriminating layer 12. See Vance, for example, paragraph [0040]. Furthermore, Vance does not disclose the formation of an oxidation catalyst on the surfaces of the partition walls 6, nor does Vance disclose an oxidation catalyst formed on the inner walls of the pores existing in the partition walls 6. See Vance, for example, paragraph [0034] and Fig. 2. Accordingly, for at least these reasons, Applicant submits that Vance fails to disclose all of the features recited in independent claim 1.

Applicant thus respectfully requests withdrawal of the §102(b) rejection of claim over Hoj.

B. Rejection over Hoj

Claims 1 and 2 are rejected under 35 U.S.C. §102(b) over Hoj et al. (WO 00/01463). This rejection is respectfully traversed.

Hoj does not disclose a catalyst-carried filter "wherein a surface of the at least one fine coating layer does not carry the oxidation catalyst thereon," as recited in independent claim 1 (emphasis added).

The Office Action alleges that the membrane feature recited in claim 48 of Hoj corresponds to the claimed "at least one fine coating layer." However, in contrast to the

claimed "at least one fine coating layer," the membrane of Hoj includes an oxidation catalyst carried on its surface. For Example, Hoj discloses that a membrane is formed on the outlet side of the filter. See Hoj, for example, page 5, line 18-35. Hoj further discloses that a catalyst active coating can be applied directly on a wash coat surface of the membrane. See Hoj, for example, page 13, lines 17-21. Accordingly, because the catalyst active coating of Hoj is formed on the membrane of Hoj, Hoj does not disclose a catalyst-carried filter "wherein a surface of the at least one fine coating layer does not carry the oxidation catalyst thereon," as recited in independent claim 1. Applicant thus respectfully requests withdrawal of the §102(b) rejection of claim over Hoj.

Claim 2 depends from claim 1. Accordingly, Applicant submits that claim 2 is patentable over Hoj for at least the reasons discussed above, as well as for the additional features it recites. Applicant thus respectfully requests withdrawal of the §102(b) rejection of claim 2 over Hoj.

III. Rejection of Claims Under 35 U.S.C. §103(a)

Claim 3 is rejected under 35 U.S.C. §103(a) over Hoj et al. in view of Muramatsu et al. (U.S. Patent No. 5,384,110); claim 4 is rejected over Hoj et al. and Muramatsu et al. in view of Loncke (EP 1018357 A1). These rejections are respectfully traversed.

Applicant submits that Muramatsu and Loncke fail to remedy the above-noted deficiencies of Vance and Hoj et al.

For example, Muramatsu is merely relied upon for allegedly disclosing a porosity of a thin layer. See Muramatsu, for example, col. 7, lines 24-38. However, Muramatsu teaches that the thin-layer portion is coated twice with a catalyst. See Muramatsu, for example, col. 7, lines 47-59. Loncke is merely relied upon for allegedly disclosing a filter that has an inlet side that includes a layer that exhibits a porosity of at least 20% more than the porosity of a second layer.

Moreover, Applicant submits that one of ordinary skill in the art would not have been motivated to combine the teachings of Hoj and Muramatsu to achieve the invention on claim 3. The Office Action relies on Hoj for allegedly disclosing most of the features recited in claim 3 except for teaching the porosities of the fine coating layer. The Office Action thus relies on Muramatsu for allegedly remedying the deficiencies of Hoj. However, Applicant notes that the device disclosed in Hoj is directed to a diesel soot filter, and the device disclosed in Muramatsu is directed to an exhaust gas cleaner. Importantly, Applicant submits that one of ordinary skill in the art of diesel soot filters would not look to the teachings of an exhaust gas cleaner to solve a problem related to a diesel soot filter.

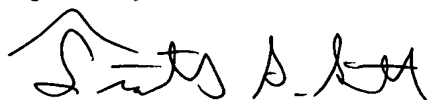
Accordingly, claims 3 and 4 are patentable over the applied references for at least the reasons discussed above, as well as for the additional features they recite. Applicant thus respectfully requests withdrawal of the §103(a) rejections of claims 3 and 4.

IV. Conclusion

In view of at least the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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